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DOCKET NO. 45266

**APPLICATION OF HOUSE HAHL
COMMERCIAL OWNERS ASSOCIATION
FOR EXEMPT UTILITY
REGISTRATION**

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PUBLIC UTILITY COMMISSION

RECEIVED 11/12/15
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COMMISSION STAFF'S RESPONSE TO ORDER NO. 2

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and files this Commission Staff's Response to Order No. 2. In support thereof, Staff shows the following:

I. BACKGROUND

On October 16, 2015, House Hahl Commercial Owners Association (House Hahl) filed an application for exempt utility registration pursuant to Tex. Water Code § 13.242(c) (TWC) and 16 Tex. Admin. Code § 24.103(d) (TAC).

In Order No. 1, issued October 20, 2015, the administrative law judge (ALJ) ordered Staff to file comments regarding the administrative completeness of the application by November 16, 2015. On November 13, 2015 Staff filed a request for extension, which was granted in Order No. 2, issued November 17, 2015. Order No. 2 directed Staff to file a recommendation by November 23, 2015. Therefore, this pleading is timely filed.

II. RECOMMENDATION

Staff has reviewed House Hahl's application, and as supported by the attached memorandum of Heidi Graham and Tracy Montes of the Water Utilities Division, Staff recommends that the application is deficient. The application contains several different metes and bounds and total acreages for the proposed service area, which are not consistent. As a result, Staff is uncertain which metes and bounds description should be used for the proposed service area. Further, House Hahl did not provide an adequate large scale map which would allow Staff to accurately position any of the metes and bounds submitted for the proposed service area.

In order to correct the identified deficiencies, Staff recommends that House Hahl provide:
1) clarification as to which metes and bounds to use, and the corresponding total acres for the

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proposed service area requested; and 2) a detailed large scale map showing only the proposed service area.

Staff requests that House Hahl be given until December 18, 2015 to cure these deficiencies in its application, and that Staff be given until January 20, 2015 to file a supplemental recommendation.

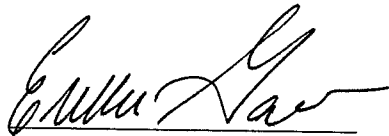
III. CONCLUSION

Staff respectfully requests the entry of an order consistent with the above recommendation.

Respectfully Submitted,

Margaret Uhlig Pemberton
Division Director
Legal Division

Karen S. Hubbard
Managing Attorney
Legal Division

A handwritten signature in black ink, appearing to read "Erika Garcia", written over a horizontal line.

Erika Garcia
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DOCKET NO. 45266
CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record November 23, 2015, in accordance with 16 TAC § 22.74.


Erika Garcia

PUC Interoffice Memorandum

To: Erika Garcia, Attorney
Legal Division

From: Heidi Graham, Engineer
Tracy Harbour, GIS Specialist
Water Utilities Division

Thru: Tammy Benter, Director
Lisa Fuentes, Work Leader
Water Utility Regulation Division

Date: November 19, 2015

Subject: Docket No. 45266, *Application of House Hahl Commercial Owners Association for Exempt Utility Registration*

On October 16, 2015, House Hahl Commercial Association (Applicant or House Hahl), filed an application for exempt utility registration pursuant to 16 TAC § 24.103(d) for a utility or water supply corporation with less than 15 potential connections. The Applicant asserts that there is one (1) active water connection and the potential for eleven (11) future connections. The development encompasses approximately 44 acres.

Based on a review of the information in the application, the Applicant has not satisfied the mapping requirements of 16 TAC § 24.103(d)(1). Staff recommends the application be deemed insufficient for filing due to the mapping deficiencies.

The Applicant submitted several different metes and bounds (legal descriptions) and total acreages for the proposed service area. One set of metes and bounds included a corresponding survey plat, certified by a professional land surveyor, with approximately 44.7038 acres. The other set of metes and bounds was not certified by a professional land surveyor and included less total acreage for the proposed service area. Therefore, Staff is uncertain which metes and bounds description should be used for the proposed service area. The Applicant did not submit an adequate large scale map allowing Staff to accurately position any of the metes and bounds submitted for the proposed service area.

The Applicant must submit the following to resolve the mapping deficiencies:

1. A large scale (detailed) map only showing the proposed service area with enough detail to accurately locate the service area in vicinity of surrounding roads, streets and highways.
2. Clarification on the metes and bounds to use and the corresponding total acres for the proposed service area requested. The metes and bounds must delineate the same proposed service area as shown on the large scale (detailed) map.